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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,452	04/24/2007	Max D. Woodhams	PTB-5091-7	6735
23117	7590	05/23/2008	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				PICO, ERIC E
ART UNIT		PAPER NUMBER		
3654				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,452	WOODHAMS ET AL.	
	Examiner	Art Unit	
	ERIC PICO	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-12 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 7-12 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/24/2006</u> . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim(s) 7, 8, and 12** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Kawamorita JP Publication No. 03-098982.
3. **Regarding claim 7**, Kawamorita discloses a method of providing a stairlift installation on a staircase having a first step having a level above a floor 2 from which the staircase 4 extends, comprising: providing a rail 1 having a lower end terminated substantially on the first step and an upper end; providing a carriage 11 mounted on the rail 1 for movement there-along; providing a footrest mounted on the carriage 11 for displacement with the carriage 11; and constructing and arranging the rail 1 and the carriage 11 to ensure that, when the carriage is at a lower most position on the rail 1, the footrest is positioned below the first step level.
4. **Regarding claim 8**, Kawamorita discloses a stairlift for use on a staircase having a first step having a level above a floor 2 from which the staircase 4 extends, the stairlift comprising: a rail 1 having a lower end fixed to the first step and an upper end; a carriage 11 mounted on the rail 1 for movement there-along; and a footrest mounted on the carriage 11 for displacement with the carriage 11; the rail 1 and carriage 11 being

constructed and arranged such that, when the carriage 11 is at a lower most position on the rail 1, the footrest is positioned below the first step level.

5. **Regarding claim 12**, Kawamorita discloses the rail 1 comprises a single longitudinal member.
6. **Claim(s) 7, 8, and 12** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Ichihara et al. JP Publication No. 05-116866.
7. **Regarding claim 7**, Ichihara et al. discloses a method of providing a stairlift installation on a staircase 1 having a first step having a level above a floor 16 from which the staircase 1 extends, comprising: providing a rail 3 having a lower end terminated substantially on the first step and an upper end; providing a carriage 5 mounted on the rail 3 for movement there-along; providing a footrest mounted on the carriage 5 for displacement with the carriage 5; and constructing and arranging the rail 3 and the carriage 5 to ensure that, when the carriage 5 is at a lower most position on the rail 3, the footrest is positioned below the first step level.
8. **Regarding claim 8**, Ichihara et al. discloses a stairlift for use on a staircase 1 having a first step having a level above a floor 16 from which the staircase 1 extends, the stairlift comprising: a rail 3 having a lower end fixed to the first step and an upper end; a carriage 5 mounted on the rail 3 for movement there-along; and a footrest mounted on the carriage 5 for displacement with the carriage 5; the rail 3 and carriage 5 being constructed and arranged such that, when the carriage 5 is at a lower most position on the rail 3, the footrest is positioned below the first step level.

9. **Regarding claim 12**, Ichihara et al. discloses the rail 3 comprises a single longitudinal member.

10. **Claim(s) 7, 8, and 12** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Vroegindewelj et al. NL Publication No. 1020911.

11. **Regarding claim 7**, Vroegindewelj et al. discloses a method of providing a stairlift installation on a staircase 2 having a first step 6 having a level above a floor 10 from which the staircase 2 extends, comprising: providing a rail 3 having a lower end terminated substantially on the first step 6 and an upper end; providing a carriage 7 mounted on the rail 3 for movement there-along; providing a footrest mounted on the carriage 7 for displacement with the carriage 7; and constructing and arranging the rail 3 and the carriage 7 to ensure that, when the carriage 7 is at a lower most position on the rail 3, the footrest is positioned below the first step 6 level.

12. **Regarding claim 8**, Vroegindewelj et al. discloses a stairlift for use on a staircase 2 having a first step 6 having a level above a floor 10 from which the staircase 2 extends, the stairlift comprising: a rail 3 having a lower end fixed to the first step 6 and an upper end; a carriage 7 mounted on the rail 3 for movement there-along; and a footrest mounted on the carriage 7 for displacement with the carriage 7; the rail 3 and carriage 7 being constructed and arranged such that, when the carriage 7 is at a lower most position on the rail 3, the footrest is positioned below the first step 6 level.

13. **Regarding claim 12**, Vroegindewelj et al. discloses the rail 3 comprises a single longitudinal member.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claim(s) 9-11** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Vroegindewelj et al. NL Publication No. 1020911 in view of Forbes U.S. Patent No. 1237627.

16. **Regarding claim 9**, Vroegindewelj et al. discloses the rail 3 has a main section arranged at the angle of the stairway 2.

17. Vroegindewelj et al. is silent concerning a lower section extending from the main section which is angled downwardly with respect to the main section.

18. Forbes teaches a rail 10 has a main section arranged at the angle of the stairway, and a lower section extending from the main section which is angled downwardly with respect to the main section.

19. It would have been obvious to one of ordinary skill in the art at the time of the invention to angle a lower section downwardly as taught by Forbes with respect to the main section disclosed by Vroegindewelj et al. to provide a rounded termination to the rail end.

20. **Regarding claim 10**, Vroegindewelj et al. is silent concerning the lower section is substantially vertical.

21. Forbes teaches the lower section is substantially vertical.

22. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a lower section which is substantially vertical as taught by Forbes to the main section disclosed by Vroegindewelj et al. to provide a rounded termination to the rail end.

23. **Regarding claim 11**, Vroegindewelj et al. discloses the rail 3 comprises a main section.

24. Vroegindewelj et al. is silent concerning the rail comprises a lower section arranged at an angle to the main section.

25. Forbes teaches the rail 10 comprises a main section and a lower section arranged at an angle to the main section.

26. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange a lower section at an angle as taught by Forbes to the main section disclosed by Vroegindewelj et al. to provide a rounded termination to the rail end.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3654